

LOCAL LAW 2 OF 2021
AMENDING THE IRVINGTON ZONING CODE
TO CREATE THE MULTIFAMILY/OFFICE DISTRICT
(May 13, 2021)

Be it enacted by the Board of Trustees of the Village of Irvington that the Village Code is amended as follows:

Section 1: Section 224-3 of the Zoning Code (Definitions) is hereby amended to add the following definitions:

MEDICAL OFFICE, SMALL PRACTICE – Office of medical professionals licensed to practice under the Education Law of the State of New York occupying a maximum of 5,000 square feet and having a staff of not more than four employees, including all licensed medical professionals, on the premises at any given time.

SENIOR CITIZEN HOUSING – Age-restricted three-or-more-family dwellings in which each dwelling unit is occupied by at least one adult aged 55 ~~62~~+. Senior citizen housing does not offer additional services to residents, such as medical care, personal assistance or meals.

Section 2: Section 224-4 of the Zoning Code (Districts Enumerated) is hereby amended to add the following district:

Multifamily/Office District	MFO
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Section 3: A new Article XIB is hereby added to Chapter 224, Zoning, to provide as follows:

ARTICLE XIB
Multifamily/Office MFO District

§ 224-47.7. Purpose.

The purpose of the Multifamily/Office District is to ensure that any future development of the large lots on the east side of Broadway north of Strawberry Lane and south of the MF District maintains the scenic character of Broadway, a prominent gateway to the Village; reflects the current and historic uses of these properties; encourages the preservation of historic structures; and promotes a diversity of housing in the Village. The Multifamily/Office District permits a mix of residential, commercial, and institutional uses in a manner that maintains the character of the large properties with deep setbacks and open landscapes.

§ 224-47.8. Permitted uses; use regulations.

No building or premises shall be used, and no building or part of a building shall be erected which is arranged, intended or designed to be used, in whole or in part, for any purpose except the following uses, all subject to the issuance of a special permit by the Planning Board in accordance with the provisions of this article, as well as §§ 224-8E through 224-8F of this chapter:

- A. Three-or-more-family dwellings.
- B. Senior citizen housing, subject to the following conditions.
 - 1. All dwelling units in a building shall be occupied by at least one adult aged ~~62~~ 55 or older.
 - 2. Any senior citizen housing unit shall be the primary residence of the senior citizen.
 - 3. Rental senior citizen housing units shall be rented by written lease and only to natural persons. Leases and renewals shall not exceed two years in duration, and sublets or assignments shall not be allowed. As long as a tenant remains eligible for occupancy and has complied with the terms of the lease or a prior renewal, the tenant shall be offered a two-year renewal of the lease.
 - 4. For purchase senior citizen housing units must be initially sold and resold only to a person aged ~~62~~ 55 or older.

5. Any senior citizen housing unit or a property containing senior citizen housing units must be restricted by using a mechanism such as a declaration of restrictive covenants, in recordable form acceptable to the Village Attorney, that shall ensure that the senior citizen dwelling unit shall remain subject to the regulations of this Multifamily/Office MFO District article. Upon approval, such declaration shall be recorded against the property containing the senior citizen unit prior to the issuance of a certificate of occupancy.
 6. Notwithstanding § 224-175, no less than 15% of the total number of senior citizen housing units must be created as fair and affordable housing units and comply with the requirements of Article XXVIII.
 7. The Village Board of Trustees or its designee shall administer the requirements of this subsection and, among other things, be responsible for monitoring the requirements for senior citizen housing. The costs of such monitoring shall be borne by the developer/owner.
- C. Offices, including small practice medical offices.
 - D. Places of worship including parish houses and religious school buildings, schools, public libraries, museums, art galleries or community center buildings.
 - E. On lots with direct access to Broadway, bed-and-breakfast establishments, in accordance with the provisions of § 224-8D of this chapter.
 - F. Accessory buildings, accessory uses, and community amenities customarily incidental to a special permit use.
 - G. Accessory off-street parking facilities serving the permitted special permit use(s) on the lot.

§ 224-47.9. Bulk Regulations.

- A. Minimum lot size. No new lot may be created in the Multifamily/Office District unless it has an area of at least 80,000 square feet.
- B. Yard requirements; projections.
 - (1) Front, side and rear yards shall be required on each lot in

accordance with the following regulations:

Minimum Required Yards (feet)		
Front	Side	Rear
75	50 (75 if abutting a one-family district)	50 (75 if abutting a one-family district)

NOTES: Two properties do not abut if there is a street between them.

In the case of a corner or an irregular lot, the determination as to what constitutes a front, side, or rear yard shall be made by the Building Inspector.

- (2) Notwithstanding § 224-47.9B(1), no buildings, community amenities, structures, or parking, or part thereof, shall be permitted nearer than 250 feet to the Broadway right-of-way. Where, however, the Board of Trustees, in its sole discretion, determines that construction closer to Broadway would serve a significant public interest and would be consistent with the 2018 Comprehensive Plan Update, it may waive or modify this 250 foot requirement.

C. Exceptions to yard requirements.

- (1) Cornices or cantilevered roofs may project not more than 2 ½ feet into a required yard. Belt courses, windowsills and other ornamental features may project not more than six inches into a required yard.
- (2) Other than such as are needed for access to the buildings on the lot, patios, paved terraces, steps and walks shall not project into a required yard.
- (3) The Planning Board may permit driveways to project into a required yard, provided that they shall not project within 15 feet of a side lot line or within 25 feet of a rear lot line.
- (4) Fences and walls. Except as provided in §§ 224-48 and 224-51, fences or walls not over 3 feet in height may be erected in the front yard, and fences and walls not over 6 ½ feet in height may be located in the side and rear yard.

- D. Coverage. Within the Multifamily/Office District the term “lot coverage” shall mean the sum of the area of all buildings, as defined in § 224-3, on the lot, and the term “building coverage” shall mean the sum of all principal and accessory buildings (not including driveways, parking areas, walkways, retaining walls, patios, etc.) on the lot.
- (1) Building coverage shall not exceed 20% of the Net Buildable Site Area as defined in Article XV (Resource Protection).
 - (2) Lot coverage shall not exceed 30% of the Net Buildable Site Area as defined in Article XV (Resource Protection).
 - (3) The coverage associated with the adaptive reuse of a designated local landmark or any existing building determined by the Architectural Review Board to be of local historic significance, up to a maximum of 5%, shall not be included in the calculation of building and lot coverage.
 - (4) Additional coverage permitted. Notwithstanding § 224-47.9.D(1) and (2):
 - (a) For three-or-more-family dwellings that include the maximum number of additional units permitted by § 224-47.14 (Density bonus for providing Moderate Income Units), additional building and lot coverage of 5% shall be permitted.
 - (b) The Board of Trustees, in its sole discretion, may permit additional building and lot coverage of up to 10% if it determines that the proposed development would further an important public benefit, such as the provision of affordable housing beyond the Village Code requirements or the provision of a sidewalk along Broadway. However, if additional coverage is permitted under (a) (for Moderate Income Units), the maximum additional coverage permitted by this subsection shall be 5%.
 - (5) The lot area required for any necessary improvements of Strawberry Lane shall not be subtracted from the Net Buildable Site Area for purposes of determining building and lot coverage.
- E. Height of buildings.
- (1) No buildings or structures greater than 2-stories or 25 feet shall be permitted within 250 to 300 feet of Broadway

- (2) The maximum height of any building or structure greater than 300 feet from the Broadway right-of-way shall be 3-stories or 35 feet.
- (3) Underground parking shall not be included in the number of stories.

F. FAR.

- (1) Notwithstanding § 224-135, the following terms, as used in this section, shall have the following meanings:

FLOOR AREA RATIO (FAR) – The gross floor area of all buildings on a lot divided by the gross site area of the lot.

GROSS FLOOR AREA – The sum of the horizontal area of all stories of a building, measured from the exterior faces of exterior walls, or, in the case of a common wall separating two buildings, from the center line of such common wall, but excluding areas exempted by subsections A through C of § 224-137 (whether or not in a residential building).

- (2) The floor area ratio (FAR) shall not exceed 0.30 inclusive of all on-site buildings.
- (3) Underground parking shall not be included in the calculation of FAR.
- (4) Parking decks shall not be included in the calculation of FAR. However, parking decks shall be included in the calculation of building coverage.
- (5) The FAR of any local landmark designated by the Board of Trustees pursuant to § 144-3, or associated with the adaptive reuse of any existing building determined by the Architectural Review Board to be of local historic significance, up to a maximum of .05, shall not be included in the calculation of FAR as prescribed in this section.
- (6) Additional FAR. Notwithstanding § 224-47.9F(2):
 - (a) For three-or-more-family dwellings that include the maximum number of additional units permitted by § 224-47.14 (Density bonus for providing Moderate Income Units), additional FAR of .05 shall be permitted.

- (b) The Board of Trustees, in its sole discretion, may permit additional FAR of up to .10 if it determines that the proposed development would further an important public benefit, such as the provision of affordable housing beyond the Village Code requirements or the provision of a sidewalk along Broadway. However, if additional FAR is permitted under (a) (for Moderate Income Units), the maximum additional FAR permitted by this section shall be .05.
- G. Where maximum FAR permits a larger building than does maximum coverage times maximum number of stories, or where maximum coverage times maximum number of stories permits a larger building than maximum FAR, the smaller limit shall control.
- H. Maximum building length. No building shall exceed a length of 225 feet at grade. This limitation shall not apply to covered walkways, porticos or similar structures connecting buildings, nor shall it apply to driveways or parking lots.
- I. Minimum distance between buildings. A minimum distance of 25 feet between any two buildings, whether principal or accessory, shall be observed.

§ 224-47.10. Design regulations.

- A. Lighting.
 - (1) Exterior lighting shall be limited to the minimum necessary for the safety and convenience of the users of the premises. Timers, motion sensors, and light sensors shall be used to reduce light usage to only the times necessary.
 - (2) All lighting, including lighting of signs, shall be dark-sky compliant. All fixtures shall be full cut-off and shall utilize light shields as necessary to reduce light trespass and glare.
 - (3) Lighting shall be designed to the minimum level required for health and safety and shall not exceed 5 footcandles, except:
 - (a) At or beyond a property line abutting a residential parcel or public right-of-way, it may not exceed .1 footcandles, as measurable from any orientation of the measuring device, except at the entrance to a driveway or walkway, so long as the lighting is at the minimum level required

for safety.

- (b) At or beyond a property line abutting a non-residential property, it may not exceed .3 footcandles, as measurable from any orientation of the measuring device, except at the entrance to a driveway or walkway, so long as the lighting is at the minimum level required for safety.

(4) The limitations of this subsection A shall not apply to:

- (a) Low voltage landscape lighting aimed away from adjacent properties, and
- (b) Lighting installed with a vacancy sensor, where the sensor extinguishes the light no more than 15 minutes after the area is vacated.

B. Landscaping and screening. A landscape plan shall be provided. Appropriate screening shall be provided between the proposed use and any adjacent uses. The Planning Board may require additional screening around parking, refuse, community amenity areas, and any other site conditions it deems necessary to protect and enhance the visual character of Broadway and to minimize any adverse effect on the surrounding neighborhood.

C. New utility lines shall be underground.

D. Access driveways and retaining walls. New development shall utilize existing curb cuts and driveways to the greatest extent practicable. Retaining walls greater than 3 feet in height are prohibited within 125 feet of the Broadway right-of-way.

E. The following design elements shall be considered:

- (1) Building facades shall be massed and scaled to present a varied appearance at street level, and shall be designed to give individual identity to each unit or section of units.
- (2) The design shall consider the spacing and proportion of window and door openings, bays or other aspects of building fenestration, as well as colors, textures and the general nature of exterior materials and treatment, including building ornament and trim.
- (3) New construction shall be of a design that complements the

existing character of the neighborhood and community, and shall use materials that are compatible with the neighborhood and historic character of the Village.

- (4) Blank wall exposures shall be limited.
 - (5) The design shall consider variation in roof heights, use of pitched roofs, and other roof elements such as cross gables and dormer windows to provide visual interest and to reduce the scale of the building.
 - (6) For existing buildings, any modifications for fire safety or access, such as fire escapes and elevator shafts, shall be located on the side or rear of the building.
 - (7) For any local landmark or any building that the Architectural Review Board determines to be of local historical significance for purposes of § 224-47.9D and F, the ARB must determine that any changes made to such building in achieving adaptive reuse do not compromise the local historical significance of the building.
- F. The Planning Board, during its site development plan review of a proposed erection or exterior alteration of a building or structure in the Multifamily/Office District, shall refer the application to the Board of Architectural Review for comments prior to issuance of decision to approve or deny an application. This referral shall not limit any other powers granted to the Board of Architectural Review under the Village Code.

§ 224-47.11. Parking.

- A. On-site parking spaces shall be provided as follows:
- (1) 1.5 spaces per dwelling unit for three-or-more-family units.
 - (2) 1.0 space per dwelling unit in senior citizen housing.
 - (3) One space per 100 square feet of small practice medical office space.
 - (4) One space per 250 square feet of office space.
 - (5) For all other uses, the applicant shall provide a parking demand study based on the Urban Land Institute Shared Parking Methodology, Institute of Transportation Engineers, or American

Planning Association recommended parking ratios, or existing conditions data from similar operations in the Hudson Valley Region. The Planning Board shall determine the required number of parking spaces based on this analysis.

- B. Notwithstanding the provision of § 224-55, parking decks are permitted to be constructed provided that they are fully shielded from view from all public rights-of-way and neighboring property lines. Any parking deck shall be fully screened by a liner building or topography. Landscaping alone shall be deemed insufficient for screening purposes.

§ 224-47.12. Signs.

- A. All signs shall conform with Article XXIX, Signs and Awnings (§§ 224-188 through 224-195), except that signs on business establishments and other uses permitted in the Multifamily/Office District shall comply with this section, not § 224-193.
- B. Permit required. Unless specifically exempted in Article XXIX, no sign may be erected or displayed without first obtaining approval from the Board of Architectural Review (ARB). If the ARB approves an application for a sign permit, the Building Inspector shall issue the permit.
- C. Limitations. Subject to subsection D of this section:
 - (1) Generally, there should be one sign for each permitted use.
 - (2) The maximum surface area of any permitted sign shall not exceed 12 square feet per side.
 - (3) Such sign may be freestanding, and, notwithstanding § 224-51, may be located within the 50-foot Broadway buffer. No such sign shall exceed 10 feet in height.
 - (4) Interior lit signs are not permitted. Only indirectly illuminated signs are permitted. The brilliance, degree, intensity and type of illumination shall be the minimum necessary for the purpose of such illumination, consistent with public safety and welfare.
 - (5) Flashing, moving, fluttering, changing or intermittently illuminated signs are not permitted.
 - (6) Building directories are encouraged for multi-tenanted

buildings, rather than individual signs for each tenant.

(7) No sign may be installed on an existing stone wall.

D. Board of Architectural Review guidelines for signs in the MFO. The design, color, character, size, number, scale and lighting of signs shall be in keeping with, and appropriate to, the character of Irvington and its Multifamily/Office District, and shall not interfere with the safety of passing traffic.

§ 224-47.13. Additional requirements for special permits. In addition to §§ 224-8E through 224-8G of this chapter:

A. The Planning Board shall require that no special permit be issued until the Planning Board is satisfied that the proposed use:

(1) Will not have a significant visual impact on the character of the neighborhood, including, but not limited to, the following:

(a) Stone walls along Broadway should not be removed or modified except as is absolutely necessary for the proposed use.

(b) Existing buildings that reflect the historic character of the Village of Irvington shall be maintained or adaptively reused to the greatest extent practicable.

(2) Will not generate noise or create other disturbance that would be detrimental to nearby residents.

(3) Will be in harmony with the character and appearance of neighboring properties and the Village as a whole.

(4) Will not result in an unmitigated significant adverse traffic impact at any of the intersections identified by the Planning Board.

(a) At a minimum, the following shall be deemed a significant adverse traffic impact:

(i) A degradation in level of service (LOS) for a lane group in the No Action condition to LOS E or F in the With Action condition, as defined by the Transportation Research Board Highway Capacity Manual (latest edition).

- (ii) An increase of greater than 10% in delay for a lane group from the No Action to With Action condition if the lane group operates at LOS F in the No Action condition.
 - (iii) An increase in the 95th percentile queue length to exceed the provided storage length for any turning lane or a 95th percentile queue length extending to the adjacent intersection for any through lane.
 - (b) The Planning Board may issue a special permit if mitigation measures are incorporated that reduce the traffic impacts to below the thresholds established above.
- (5) Protected trees, as defined in § 202-2 of the Village Code, should be removed only under the circumstances listed in § 202-5A of the Village Code.
- B. No special permit may be issued for a use using Strawberry Lane for access or egress unless the applicant makes whatever improvements are necessary to ensure and maintain safe passage over Strawberry Lane from Broadway to the point on Strawberry Lane where the use has access or egress.
- C. Conflicting standards. If there is any conflict between this Article and any other provision of this Chapter, this Article controls.

§ 224-47.14. Moderate Income Housing Density Bonus.

- A. Definitions. For purposes of this article, the following terms shall have the following meanings:

AMI - Area median income for Westchester County, as defined annually by the United States Department of Housing and Urban Development (HUD).

MODERATE INCOME HOUSEHOLD – A household with an annual income of not more than 100% of AMI adjusted for household size.

MODERATE INCOME UNIT or MIU –

- (1) A for-purchase dwelling unit that may be sold to only a

household whose income does not exceed 100% of the AMI and for which the annual housing cost (the sum of principal, interest, taxes, insurance and common charges) does not exceed 33% of said income.

- (2) A rental dwelling unit that may be rented to only a household whose income does not exceed 80% of the AMI and for which the annual housing cost of the unit, defined as rent plus any tenant-paid utilities, does not exceed 30% of said income.

B. Density bonus for providing Moderate Income Units.

- (1) In any permitted three-or-more family dwelling, except not in senior citizen housing, a developer shall be allowed to exceed the maximum number of dwelling units otherwise permitted by the Zoning Code, but in no event by more than 20%, if for every market rate unit in excess of the maximum, the developer builds one Moderate Income Unit affordable to a household whose income does not exceed 100% of AMI for for-purchase units, or 80% of AMI for rental units. For example, if the permitted site capacity is 60, the developer may construct 12 additional units if 6 of the additional rental units are MIUs for households with 80% of AMI (100 % for for-purchase units).
- (2) Where the number of additional units permitted by the density bonus is an odd number, the number of MIUs must be rounded up. For example, if five additional units are permitted, three of them must be MIUs.
- (3) The additional units shall be included in the total number of units for purposes of calculating the number of fair and affordable dwelling units required by § 224-175.

C. Conditions for bonus.

- (1) Maximum rent and initial sale price.
 - (a) The maximum monthly rent for Moderate Income Units (including estimated utilities) shall be set by the Village Board of Trustees or its designee. The rent, including the estimated cost of utilities (heat, hot water and electricity) shall not exceed 30 ~~33~~% of income for a moderate-income household.
 - (b) The maximum sale price for Moderate Income Units

shall be set by the Village Board of Trustees (or its designee). The initial sale price of a MIU shall be calculated so that the annual cost of the sum of principal, interest, taxes and insurance and common charges, as applicable, shall not exceed 33% of income for a moderate-income household.

- (2) Time period for moderate income limitation. Units designated as Moderate Income Units must remain as Moderate Income Units for a minimum of 50 years from the date of the initial certificate of occupancy for rental properties and from the date of original sale for for-purchase units.
- (3) Property restriction. Any Moderate Income Unit or a property containing any Moderate Income Unit must be restricted by using a mechanism such as a declaration of restrictive covenants, in recordable form acceptable to the Village Attorney, that shall ensure that the Moderate Income Unit shall remain subject to the regulations of this Moderate Income Housing article for the minimum 50-year period. Among other provisions, the covenants shall require that the MIU be the primary residence of the resident household occupying the MIU. Upon approval, such declaration shall be recorded against the property containing the Moderate Income Unit prior to the issuance of a certificate of occupancy.
- (4) Primary residence. Any Moderate Income Unit shall be the primary residence of the resident household occupying the unit.
- (5) Unit size, integration, appearance and quality.
 - (a) Moderate Income Units shall generally be distributed evenly throughout the development. Notwithstanding, the Planning Board may use discretion in reviewing and approving distribution.
 - (b) Moderate Income Units shall be distributed among one-, two-, three- or four-bedroom units in the same proportion as all other units in the development, unless a different proportion is approved by the Planning Board as being better suited to the housing needs of the Village.
 - (c) The exterior appearance of Moderate Income Units shall not distinguish them as a class from market rate units.

- (d) Moderate Income Units shall be constructed to the same quality standards as market rate units. The developer, however, may substitute different appliances and interior finishes where such substitution would not adversely impact the livability of the MIU.
- (6) Construction of Moderate Income Units. The Moderate Income Units shall be developed simultaneously with or prior to the development of the market-rate units. If the development is phased, the phasing plan shall provide for the construction of MIUs proportionately and concurrently with market rate units.
- (7) Lease renewal requirements.
 - (a) A person renting a Moderate Income Unit shall sign a lease for a term of no more than two years. As long as a renter remains eligible and has complied with the terms of the lease, the renter shall be offered renewal leases for a term of not more than two years each.
 - (b) If a renter's annual gross income should subsequently exceed the maximum then allowable, as defined in this article, then the renter may complete his/her current lease term and shall be offered a market rate rental unit in the development, if available, at the end of such lease term. If no such unit is available at said time, the renter may be allowed to sign one additional one-year lease for the Moderate Income Unit s/he occupies but shall not be offered a renewal of the lease beyond the expiration of that additional one-year lease term. If, however, at the end of the additional one-year term, the renter's income is below the maximum then allowable, the renter shall be offered a two-year renewal lease.
- (8) Resale; calculation of permissible resale price.
 - (a) For-purchase Moderate Income Units may be resold only to eligible moderate income households.
 - (b) The owner of a Moderate Income Unit shall notify the Village Board of Trustees of the intent to sell prior to contract with any purchaser.
 - (c) The maximum resale price may not exceed the purchase price plus the cost of permanent fixed improvements,

adjusted for the increase in the consumer price index during the period of ownership of the MIU and such improvements, plus reasonable and necessary resale expenses. Notwithstanding the foregoing, in no case shall the resale price exceed the income restrictions for Moderate Income Units.

- D. Administration and monitoring agency. The Village Board of Trustees or its designee shall administer the requirements of this article and, among other things, be responsible for monitoring the Moderate Income Units during the units' periods of income limits and for monitoring compliance with the income and eligibility requirements. The costs of such administration and monitoring shall be borne by the developer/owner.
- E. Tax assessment. The Town's Assessor shall consider the limited sale value of Moderate Income Units in determining the appropriate assessment on such units.
- F. Applicability of other Code provisions. All of the provisions of the Code of the Village of Irvington not inconsistent or in conflict with the provisions of this article shall be applicable to Moderate Income Housing.

§ 224-47.15. Density Bonus for All Affordable Housing Developments.

- A. In any permitted three-or-more family dwelling in which all of the dwelling units are fair and affordable housing units, as defined in § 224-173, a developer shall be allowed to exceed the maximum number of dwelling units otherwise permitted by the Zoning Code, but in no event by more than 20%, provided that all of the additional units are also fair and affordable housing units meeting all the requirements of Article XXVIII (Fair and Affordable Housing) of the Zoning Code.
- B. This density bonus shall not apply to senior citizen housing.

Section 4: Chapter 224, Zoning, Article XII Supplementary Regulations, § 224-54.1, subsection A, is hereby amended to read as follows (new language in *italics*):

§ 224-54.1. Change of occupancy or use in Business, *Multifamily/Office*, Waterfront and Railroad Districts.

- A. Necessity of change of occupancy or use certification. No existing

building and/or land shall be converted to a different occupancy or use without first securing a change of occupancy or use certification. This section shall apply to changes of occupancy or use for all properties in the Business, *Multifamily/Office*, Waterfront and Railroad Districts. Said certification shall be duly issued upon application to the Building Inspector and upon payment of the required fee as set from time to time by the Board of Trustees. No change of occupancy or use certification shall be issued unless the proposed occupancy or use is in full conformity with all provisions of this chapter and all other applicable regulations. Any such occupancy or use carried on in violation of the provisions of this chapter shall be null and void and of no effect without the necessity for any proceedings for revocation or nullification thereof, and any occupancy undertaken or use established without certification shall be unlawful.

Section 5: Chapter 224, Zoning, Article XIV Site Development Plan Approval, Section 224-66 (Approval Required) is hereby amended to read as follows (deleted language ~~stricken~~; new language in *italics*):

Site development plan approval by the Planning Board shall be required for:

A. The erection of any building.

- (1) The erection of any building, as defined in § 224-3, including on any lot ~~which~~*that* has received limited site development plan approval, except for:
 - (a) A fence or retaining wall projecting above the ground not more than three feet at the higher ground level and not more than 6 ½ feet at the lower ground level, except that site development plan approval shall not be required for a deer exclusion fence meeting the requirements of § 224-11B(6) or § 224-19B(4).
 - (b) An air-conditioning unit or generator, provided such equipment fits within the setback, height, and coverage requirements of this chapter.
 - (c) Signs and awnings regulated by Article XXIX of this chapter.
- (2) Unless Subsection A(1)(a), (b) or (c) are being done in connection with a site development plan application for other construction, in which case the item shall be reviewed as part of the site development plan application.

- B. Any proposal involving the tear-down of an existing building or structure.
- C. All subdivisions, ~~which~~ *that* would result in the existence of any additional lots.
- D. The alteration of any building in any manner which would result in an increase in FAR as described in Article XXII of this chapter, or in an increase in the cubic area of the space enclosed by the roof and exterior elevations of such building or in the enlargement or relocation of all or any part of an unenclosed structure, including but not limited to a deck or porch, affixed to the exterior of any building, or in the addition of any such unenclosed structure.
- E. The alteration of any building in such a way as to create an additional dwelling unit.
- F. *Any change of use that would, by virtue of the new use, result in any increase in the generation of traffic or parking demand.*

Section 6: Chapter 224, Zoning, Article XV Resource Protection, Section 224-80 (Definitions) is hereby amended, in part, as follows (deleted language ~~stricken~~; new language in *italics*):

DENSITY FACTOR – An intensity measure expressed in terms of a number of square feet. The density factors for each ~~residence district and the Business District~~ are as follows:

District	Density Factor (square feet)
1F-80	80,000
1F-60	60,000
1F-40	40,000
1F-20	20,000
1F-10	10,000
1F-5	5,000
MF	5,000
2F	5,000
<i>MFO</i>	<i>3,000, except 2,000 for senior citizen housing</i>
B	2,500

SITE CAPACITY – The product of a calculation made in accordance with this article. “Site capacity” is expressed in dwelling units in all

residence districts *and the Multifamily/Office District*, and in terms of dwelling units and floor area in the Business District.

Section 7: The following new section is hereby added to Chapter 224, Zoning, Article XV Resource Protection, to read as follows:

§ 224-85.1. Determination of site capacity in Multifamily/Office District.

For three-or-more family uses, the site capacity in the Multifamily/Office District shall be the Net Buildable Site Area divided by the density factor of 3,000 square feet (2000 square feet for senior citizen housing), rounded down to the next lower whole number.

Section 8: Section 224-91 of the Zoning Code is hereby amended to read as follows (new language in *italics*):

§ 224-191. Prohibited signs.

Unless otherwise provided, the following signs are prohibited throughout the Village:

- A. Signs that emit smoke, visible vapors or particles, sound or odor.
- B. Roof signs.
- C. Signs of such a design and location that they interfere with, compete for attention with, or may be mistaken for a traffic signal.
- D. Freestanding signs except as set forth in §§ 224-47.13, 224-192 and 224-193 and §§ 184-24 through 184-32 (sidewalk vending) of this Code.
- E. *Except in the Multifamily/Office District (MFO)*, signs on or projecting from any exterior wall of a building above the second story.

Section 9: Chapter 188, Subdivision of Land, Section 188-20.D is hereby amended, in part, as follows (new language in *italics*):

RECREATION FACTOR

- (1) Forty-one thousand five hundred in the 1F-40 District.
- (2) Twenty-one thousand five hundred in the 1F-20 District.
- (3) Eleven thousand five hundred in the 1F-10 District.
- (4) Six thousand five hundred in the 1F-5 District.
- (5) Eight thousand in the 2F District.
- (6) Six thousand five hundred in the MF District.
- (7) *Six thousand five hundred in the MFO District.*

(8) Four thousand in the B District.

Section 10: Section 224-5 of the Zoning Code is hereby amended to read as follows (deleted language ~~stricken~~; new language in *italics*):

§ 224-5. Zoning Map.

The boundaries of said districts are hereby established as shown on the Zoning Map, Village of Irvington, dated ~~June 26, 2003~~ *June 7, 2021*, which accompanies and which, with all explanatory matter thereon, is hereby adopted and made a part of this chapter. Said map, indicating the latest amendments, shall be kept up-to-date in the office of the Village Clerk for the use and benefit of the public.

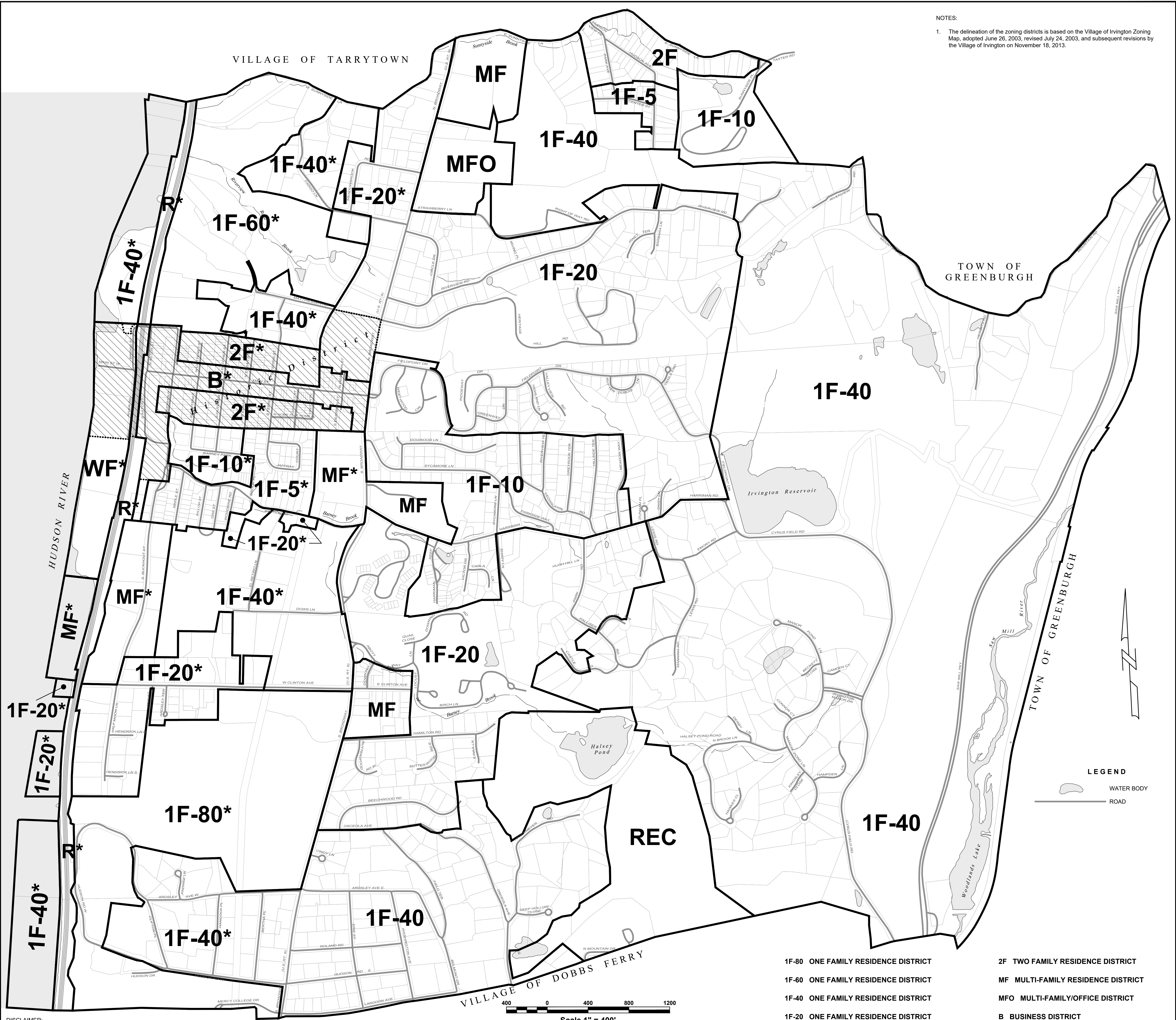
Section 11: Chapter 195, Taxation, § 195-70 is hereby amended to read as follows (new language in *italics*):

§ 195-70. Authority to collect.

All hotels are required to receive a special permit, pursuant to §§ 224-8, 224- 36 and 224-47.8 of the Village Zoning Code, or to be registered by the Village, pursuant to § 224-206 of the Village Zoning Code. Such special permit or registration authorizes and requires the operator to collect the tax imposed by this article.

Section 12: All ordinances, local laws, and parts thereof inconsistent with this local law are hereby repealed.

Section 13: This local law shall take effect immediately upon filing in the office of the New York Secretary of State.



- NOTES:
1. The delineation of the zoning districts is based on the Village of Irvington Zoning Map, adopted June 26, 2003, revised July 24, 2003, and subsequent revisions by the Village of Irvington on November 18, 2013.

DISCLAIMER:

Please be advised that the geographic information shown hereon has been compiled from various sources and is provided by the Village of Irvington as a public service for general informational purposes and is to be used as a reference tool only. It should not be relied upon as a sole informational source.

Tax parcel boundaries represent approximate property line locations and should NOT be interpreted as or used in lieu of a survey or property boundary description. A survey by a licensed surveyor identifying existing field conditions is the only way to confirm these and other attributes of an existing property. Property descriptions must be obtained from surveys or deeds.

The Village of Irvington and James J. Hahn Engineering, P.C. hereby disclaim any liability for any and all damage, loss, or liability which may result, directly or indirectly, from the use of this map by any person or entity.

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Brewster, New York 10509
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ZONING MAP

VILLAGE OF IRVINGTON

WESTCHESTER COUNTY, NEW YORK

- | | | | |
|-------|-------------------------------|-----|---------------------------------|
| 1F-80 | ONE FAMILY RESIDENCE DISTRICT | 2F | TWO FAMILY RESIDENCE DISTRICT |
| 1F-60 | ONE FAMILY RESIDENCE DISTRICT | MF | MULTI-FAMILY RESIDENCE DISTRICT |
| 1F-40 | ONE FAMILY RESIDENCE DISTRICT | MFO | MULTI-FAMILY/OFFICE DISTRICT |
| 1F-20 | ONE FAMILY RESIDENCE DISTRICT | B | BUSINESS DISTRICT |
| 1F-10 | ONE FAMILY RESIDENCE DISTRICT | WF | WATERFRONT DISTRICT |
| 1F-5 | ONE FAMILY RESIDENCE DISTRICT | REC | RECREATION DISTRICT |
| | | R | RAILROAD DISTRICT |
| | | /// | HISTORIC DISTRICT |

* All parcels west of Broadway are designated as part of the View Preservation Overlay District (VP)

REVISED: JUNE 7, 2021
DATE: NOVEMBER 18, 2013